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A

REVIEW

OF THE

CONDUCT OF ADMINISTRATION,

DURING THE

SEVENTH SESSION OF PARLIAMENT.

ADDRESSED TO THE

CONSTITUTIONAL ELECTORS

AND

FREE PEOPLE OF IRELAND,

ON THE

APPROACHING DISSOLUTION.

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TO THE

CONSTITUTIONAL ELECTORS

AND

FREE PEOPLE OF IRELAND.

I SUBMIT to your conſideration the following ſtrictures on the late meaſures of your Government—With you it remains to decide on the truth or falſity of what I have advanced—If I have deceived you, it is not a wilful deception, for in that caſe, I am myſelf deceived; if I have, on the contrary, felt your ſituation truly, and expreſſed it fairly, make the proper uſe of the information collected in this little book, and my end is fully anſwered.

One word more.—It is with ſome little pride I find the mode propoſed in the following pages, has been anticipated by the inhabitants of Belfaſt, a city renowned over the kingdom and over England for its thorough knowledge of, and ardent attachment to, Conſtitutional Liberty. I am a young man, but I remember the æra, when, from that very city, as from a fountain head, the torrent of public ſpirit guſhed forth, overſpread the land, and ſwept the ancient bulwarks of Engliſh tyranny before it.

I accept the omen. You have no foreign enemies to encounter; look then at home.—Now is your time for reformation—if it elapſe unprofitably, which of us can promiſe himſelf that he will ſurvive 'till the next æra? It is a ſerious conſideration, and uſe it properly.

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REVIEW, &c.

A GENERAL election is at all times a ſubject of ſerious conſideration; but perhaps there never was a general election ſo important in its conſequences as the impending one is likely to prove. The nation has for the firſt time ſeen, with the ſurpriſe and diffidence incident to the dawn of a new meaſure, but gradually vaniſhing as it roſe to the meridian, a regular and ſyſtematic oppoſition on public principle, ſtrengthened by private honor; an union of men, heretofore of different attachments, pledging themſelves by every tie as gentlemen, to the carrying of certain meaſures with effect; and ſteadfaſtly, though unſucceſsfully, proſecuting that ſyſtem; the nation has ſeen that oppoſition riſing in numbers and in weight by an even and ſteady progreſs, from a diviſion of eighty-two, to eighty-eight, to ninety-ſix, to ninety-eight! They have heard certain meaſures loudly condemned, and they have not heard them de-

fended;

fended; they have heard impudent prodigality arraigned, and juſtified—juſtified by the *practice* of adminiſtration. They have heard corruption alledged as a charge on one ſide and avowed on the other; they have heard of a ſale of honors, tainting at once the higheſt legiſlative and judicial authority; and they have found the inquiry, not dared, but ſmothered; they have heard the leader of oppoſition come forward and offer to ſubſtantiate an impeachable offence, and they have heard him anſwered by a vociferous appeal to the "*Queſtion!*"

Theſe are plain facts—and what follows?—No government can pretend to exiſt in this kingdom, clogged and cramped by ſuch an incumbent oppoſition, *unleſs it appear that the oppoſition and the people are of different ſentiments*—if that be the caſe, adminiſtration may laugh their adverſaries to ſcorn—if it be otherwiſe, they muſt ſeek for means *out* of parliament to enforce their meaſures. The day of omnipotence of mere miniſterial majorities is gone by; they are in this land but the flaſh, without the bolt. The national wiſdom, the national ſpirit, will require ſome reaſon beyond numbers, and if none be given, the bayonet may prove an uſeful ſupplement to the *mace*. Whether the preſent oppoſition to government be ſupported by the feeling

ing and ſentiment of the nation, and if ſo, whether it be a well founded attachment, or merely a momentary effuſion of popular levity, I purpoſe to enquire. It is my right as a free ſubject, and *this* I conceive to be the period for inveſtigation. The truſt committed to the Houſe of Commons is about to be returned to the hands that beſtowed it, and much indeed will depend on the complection of the future Parliament !——

The nature of my inquiry will lead me no further back than the commencement of the preſent oppoſition, or in other words, the eſtabliſhment of the WHIG CLUB, an inſtitution novel, and ſtriking and ſingular in its nature; an inſtitution, however like all human inſtitutions imperfect, which has at leaſt the merit of giving a dignified and elevated tone to our politics by ſummoning private honor to the aid of public ſyſtem; which has wiped away from our public men, the national ſtigma of inſincerity and deſertion of principle and party, or, if that be not done, has at leaſt prepared the brand for the forehead of the diſhonorable apoſtate.

But though I thus allow them full praiſe, I am not that blind zealot who ſwears indiſcriminately to all their meaſures. They dare inquiry, and ſhall meet

meet it.—I think they have that ſterling ore of virtue and ability that will ſtand the fiery ordeal of public ſcrutiny, but I think they have a droſs which, to eſſential purity, muſt be burned and purged away. In the original inſtitution of the WHIG CLUB, there are ſome things which, in my humble judgment, had better been omitted. I apprehend they have narrowed their ſyſtem by unneceſſary limitations, and tainted it by party attachments and perſonal reſentments, unworthy of a body become, now, of conſiderable weight, and which ſhould purpoſe to be univerſal and eternal.

The firſt great error is an unneceſſary diſplay of attachment to Charles Fox " a man under whoſe " power, *and with whoſe concurrence* our rights " were reſtored to us, and whoſe principles we " muſt approve, *becauſe they are our own.*"

Whether it be eſſential, or even neceſſary to a party here to be connected with a party in England is a point much to be doubted; but it is very clear that nothing, ſhort of an *indiſpenſable* neceſſity, can warrant thus volunteering an Engliſh attachment.—It is not the way to the grand object, union of ſentiment at home.—Certain it is that many men here, inferior to none in the WHIG CLUB in zeal and affection to their country, are deterred

terred from co-operating with them, by the implicit, and I will add, unwarranted teſtimony of admiration of Charles Fox.—But what are the ſtated grounds of our attachment to this character? Truly, that *with his concurrence*, we did by a wiſe, a temperate, a ſteady and a gallant exertion, unparalleled in hiſtory, wreſt and extort our ancient and free conſtitution from the tyrannous gripe of England—that, ſtill with his gracious *concurrence*, or perhaps *without his concurrence*, but certainly indifferently to us either way, we did raiſe and arm a force beyond the power of that proud nation to cope with; and that he, when miniſter of England, was not ſo wicked, or ſo inſane, as to commit the countries in a cauſe wherein England had nothing to ſurrender but her pride, nor Ireland to demand but her birth-right, and where a ſtruggle *might* be fatal to both, but certainly to one—and this is the boon for which we are to thank the *concurrence* of Mr. Fox! that he did not do the miſchief which, perhaps, he might have done; and in the ſurrender of the uſurpation of England, he only ſung an innocent lamentation over her departed glory, and deplored his own act, not voluntary benevolence, but extorted juſtice, as the ſad reſult of neceſſity, not of conviction. For this hard internal ſtruggle I do not blame Mr. Fox, I do not blame any Eng-

liſhman; they are a proud people, and their pride was never ſo humbled—only let us not run about, crying up this demagogue as the inſtrument of our delivery from thraldom, nor thank him for a *concurrence*, which he could not, I will ſay *dared not*, have withheld.

I own I loſe my temper when I hear the wonderful revolution in my country, a revolution, the riſe and progreſs of which we have all ſeen, and many have been active in, attributed, however remotely, to this or that leader of a faction in England. I am greedy of the national honor.—I will not facrifice it to expediency—much leſs will I ſquander it where it will be inexpedient; where it will be given with national reluctance and received with political ſuſpicion.

But to conſider it more cloſely—Suppoſing us bound infrangibly to Charles Fox, this grand abſurdity will follow—If the Whig Intereſt prevail in this country, and force themſelves into power, as there appears no likelihood of a correſponding change in England, our Government here will become a political Amphiſbæna, forced from ſituation to receive orders from Mr. Pitt, bound in honour to ſubmit to influence from Mr. Fox, and thus

thus with all the confuſion and diſtraction of an *imperium in imperio*, the people will rather recur to the old ſyſtem, than remain under a Government, which from its very nature can have no ſyſtem whatever.

By theſe conſiderations are many valuable and uſeful men deterred from co-operation in combating the profligacy of Government, as not wiſhing to labour for Mr. Fox, to whom they feel no obligation. Thus, by a ſoleciſm in politics, for which our youth and inexperience in framing a party are our beſt excuſe, we have divided our power, and with a ſtrange perverſion ſacrificed our certain and ſtrong and operative union at home, to a remote and contingent and ſuſpicious aid from abroad——

I have done with perſonal attachments.——I come to perſonal reſentments; not ſo miſchievous in their nature as the other, but equally unworthy of the WHIG CLUB. When the Regency buſineſs was firſt ſtarted in Ireland, a caſe of acknowledged delicacy and difficulty, without precedent and without example, a total and utter difference of ſentiment aroſe between the two Houſes of Parliament and the Marquis of Buckingham.—

Which party was right, or whether either in the full extent of their doctrine, it is not my intention to inquire at length, yet as the ſubject has occurred, I ſhall, with deference, ſubmit a few obſervations. They are the ſentiments of a very plain man, who has neither the wiſh, nor the ability to enter into metaphyſical diſtinctions, and who cannot very readily admit that the right to a crown, and the bond of connexion between two independent kingdoms ſhould be determined by the technical ſubtlety of an intereſted ſpecial pleader.

The argument on the part of the Marquis of Buckingham, as laid down by the then Attorney General, and ſince much preſſed in a Government pamphlet, is this: "Whenever a Regent "ſhall be appointed by the Parliament of Eng- "land, *that Regent alone will have the power of af- "fixing the Great Seal of England to Iriſh bills*; "by the ſtatutes of Ireland, *no law can paſs to "which the Great Seal of England ſhall not be af- "fixed.* It conſequently behoves the Lords and "Commons of Ireland to WAIT for the appoint- "ment of a regent in England, and then to inveſt "him with authority to act in Ireland by Iriſh "law." This argument, relying entirely on the indiſpenſable

indiſpenſable phyſical application of the Engliſh Great Seal, was ſtated on the other ſide, to be a denial of the competency of the two Houſes of Iriſh Parliament to ſettle the Government, and a ſubſtitution of the Great Seal of another country for the imperial crown of the realm.

To me the opinion of the Attorney General, who, *now in his proper ſphere*, preſides with diſtinguiſhed honour in the firſt court in the kingdom, was the contracted view of a practitioner, tangled in the forms, not the bold intuition of a ſtateſman, penetrating into the ſpirit of the laws.—A conteſt between England and Ireland is a very different thing in eſſence and in form, from a ſpecial action on the caſe between John Doe and Richard Roe. A ſtrict mathematician would not go to Heaven by any other than a right line—A ſtrict lawyer will not receive conſtitutional independence, unleſs according to the ſtrict letter of the ſtatute, *in that caſe made and provided.*——But is there no great caſe in the immenſe range of poſſibility, where it may be wiſe or neceſſary, or indiſpenſable, to reject the form and graſp the ſubſtance? What!—ſhall the nation be fettered with ſhackles of her own parchment, after ſnapping aſunder the iron bands of Engliſh domination? or

if

if I ſurpriſe a ruffian with a match in his hand, the train laid, and the combuſtibles diſpoſed, ready to blow the three eſtates of the kingdom into the air, ſhall I heſitate to lay inſtant hold on him, leſt the law ſhould call it *a common aſſault?*

For one then, I do not underſtand, I believe a great majority of my fellow Electors do not underſtand, the grounds of the omnipotent magic power, attributed to the *Great Seal of England* by the ſupporters of Adminiſtration in this country. The Great Seal appears to me not to be *a thing*, but *a ſign*; it is not the ſupreme power of the legiſlature, but merely an inſtrument uſed to exhibit by a ſenſible and permanent diagram, the aſſent of that power; in a word, it is *the ſymbol of the King's will*, in his hands a healing rod, in any other a poiſonous viper to the conſtitution. If it be not this, it is nothing. Will any man ſay, that if the Great Seal were ſtolen, and affixed to a bill or patent, it would avail? No——It is then the WILL OF THE SUPREME POWER that is of the eſſence of the Great Seal, and gives authority and efficient force to what, under any other guidance, is but *molten braſs!*——What then was the conduct of Mr. Pitt? ſticking cloſely to the letter of the law, but letting the ſpirit evaporate, he faſtens

tens on the ſeal of England as an indiſpenſable mean in his attempt on the monarchy, and dreading at once, to uſurp and hold in his proper perſon, the *ſymbol of the will of the ſupreme power*, he ſculks behind a committee *of his own appointing*, who are to wield this ponderous inſtrument, turns the ſceptre into a lever, and breaks up the throne of England into a ſcrew-preſs. All this is for the preſervation of *form*. The Great Seal is, indeed, affixed to the Act of the Convention, for Parliament it is none, and under this, is the Regent appointed; inſtantly on his appointment the executive power is reſtored to *moſt* of its functions, and among the reſt, to the uſe of the Great Seal.

Now it may well be doubted whether, even by this *circular proceſs*, it be poſſible for the convention to convey more power than they had. If the Great Seal were indiſpenſable, it muſt be in its eſſence, as a ſymbol of aſſent, not merely as a machine to ſqueeze a lump of wax—and will any man ſay, that in the regency bill it was to have been uſed according to the ſpirit of the law or the conſtitution?—It would be abſurd to ſay ſo——What then is the root and core of the abſurdity?—It is this—The caſe of England was a *caſe omitted*,

ted, for which *her* laws had made no proviſion.—The nation was driven to firſt principles—the conſtitution was for the time diſſolved—the executive power was ſuſpended.—*The King had no will*—the *eſſence* of the ſymbol of his will was gone—THE GREAT SEAL WAS MELTED DOWN.——Was that a time for an adherence to form, when the ſubſtance was annihilated? or did Mr. Pitt think the nation ſo infatuated, as to pay any reſpect to his *mode* of ſettling the conſtitution, provided the *ſpirit* was preſerved? Would the abſence of the Great Seal have ever been thought of as an objection if it had been the ſingle objection? or would the kingdom have been ſunk in irrecoverable anarchy, if the Great Seal had been thrown into the ocean? Would not a vote of the two Houſes have had equal efficacy? It would, for this plain reaſon, *that it was in obedience to ſuch vote the Great Seal was to have been affixed.*

We now ſee how far, and in what manner the Great Seal was eſſential to the reſtoring the executive power in England, a free country, a jealous country, as vigilant, at leaſt, over her rights and her conſtitution as we can pretend to be over ours. We ſee that in framing the new Government the Great Seal was merely a *matter of form*, a ſhadow without

without a ſubſtance, which might ſatisfy the cautious doubts of technical men, but which to a ſtrong mind and a clear underſtanding was of no further importance.

The queſtion with regard to Ireland is now I preſume conſiderably narrowed. I do humbly hope that the Great Seal of England will not claim or demand more reſpect, more weight, more efficacy here, than in her native ſoil. It is, by compact become an inſtrument in our Legiſlation.—— How?—The Chief Baron's act, an act which cloſes his political career with a bright blaze of glory, certainly does, in expreſs words, provide that the Great Seal of England ſhall be indiſpenſable in the paſſing of any Iriſh ſtatute. But will any man preſume to ſay that wiſe, and ſound and conſtitutional lawyer meant by the Great Seal, no more than the braſs of which it is compoſed in whatever hands depoſited? No—He felt it as the ſymbol of the will of the King of England and Ireland, and as a perpetual bond of union between the countries, he waved the proud jealouſy of [redacted] freedom, and *Iriſh* allowed the acts of our Legiſlature to receive this ſingle *contamination*, I had almoſt called it, of Engliſh interference. There could not be deviſed a ſafer, a wiſer, or a more temperate mode of per-

petuating

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petuating the connection. It was however, but for ordinary caſes, not original events, for paſſing a ſtatute, but not forming a conſtitution. It ſays no more than that while the King has a will, he ſhall teſtify it by certain means; when the will ceaſes the mode ſinks.

Try then the conduct of Ireland by this ſtatute, not with the technical acuteneſs of a trading ſolicitor but with the liberal ſentiment of a Legiſlator, called forth on a great occaſion. The will of the King *had* ceaſed here, as in England; the Government was *diſſolved* here, as in England. Will any man deny that the principle of that Government might have been renewed here, as in England? There is ſuch a man, and that man is the keeper of the King's conſcience in Ireland. What is his argument? "No," ſays he, "you ſhall have no "conſtitution, until England has ſettled hers.—I "hold in my hand an act expreſsly requiring the "affixion of the Great Seal of that country to "your bills.—The Great Seal is now in abeyance. "—Wait patiently till Mr. Pitt has made his own "arrangements firſt, ſettled the Government of "England next, and then the ſpindle ſhall go "round for you."—Was that the *ſpirit* of Yelverton's act? did he mean on a great original event,

when

when the vaſt machine of Government was in pieces, to tie up the hands that ſhould reſtore it, until the Parliament of England, ſpeaking the language of the miniſter of England, might in their wiſdom determine who ſhould have the cuſtody of a machine of braſs? It is nonſenſe to aſſert, it would be greater nonſenſe to confute it. In the appointing a Regent, if the Great Seal was not neceſſary in England, it was leſs neceſſary in Ireland —it was there but neutral, here it was pernicious —it was there but an empty form, it was here a ſubſtantial miſchief. If the Parliament of England had a right to affix the Great Seal to a Bill determining who ſhould be Regent; if the Regent had, in conſequence of their determination, the cuſtody of that Seal; if the affixion of that Seal, under thoſe circumſtances was indiſpenſable in the acts of our Legiſlation, then the Parliament of England had a right to legiſlate for this country, and legiſlate for her in a moſt important point— no leſs than the creation of the THIRD ESTATE!

I have not entered into this ſubject further than the independence of Ireland is concerned. I do not feel it my duty, nor am I inclined to juſtify the whole of the conduct of oppoſition at the time of the Regency. They certainly ſhewed a confi-

 dence,

dence, not wiſely repoſed in any man. They did implicitly ſurrender the nation to the unſhackled power of the Prince of Wales, at a time when he was fettered hand and foot in England, and had no means to reward his adherents there, other than by Iriſh honors and Iriſh emoluments. It may be ſaid, confidence begets generoſity.—I hope the event would have proved it, but I cannot lament that the experiment was not made, having no great faith in the public generoſity of public men. My countrymen ſhewed themſelves in their native colours, warm-hearted, open and unſuſpecting—Providence ſtepped in, and they are not *the victims of their virtues*..

Whilſt the Regency was in agitation, and the public mind in a ferment, adminiſtration became committed with the two Houſes of Parliament. The Lords and Commons addreſſed the Prince of Wales to take on him the government of the kingdom—the Viceroy refuſed, and in a very ungracious manner, to tranſmit the addreſs—the two Houſes cenſured in ſtrong language the Marquis of Buckingham's conduct; but at this inſtant the King's recovery was announced, the Marquis was withdrawn, and the tumult ſubſided. Now, in the name of common ſenſe, what has the WHIG CLUB,

as

as a body, to do with the Marquis of Buckingham? How comes the cenſure on his name to conſtitute one of their *original, eſſential reſolutions*, an indiſpenſable part of their political creed, a key-ſtone in the arch through which all future Whigs muſt paſs? I hope the Club may be univerſal and perpetual, and muſt Whigs, yet unborn, ſign their contempt and abhorrence of the Marquis of Buckingham, when his bones ſhall be as rotten as his character is now?—I feel as little reſpect for that Nobleman as any member of the Club, but I do not wiſh to ſee a great ſyſtem of national union contaminated by a reſentment which however juſt, muſt die with the object. The reſolutions againſt the Marquis of Buckingham lie under every objection that ſhould exclude them from forming part of a ſyſtem; they are *local, perſonal and temporary*; to be forgiven, perhaps, as the effuſion of a haſty, though laudable indignation, but certainly claiming and deſerving nothing more.

I have ſtated what I think exceptionable in the principles and conduct of the WHIG CLUB, and as I preſume with little of the bigotry of party. It has been a long, but an unavoidable digreſſion. I come now to a more pleaſing and more intereſting ſubject, the meaſures which they have propoſed,

poſed, and which oppoſition has adopted and preſſed with a fervor and force, and unanimity and perſeverance, worthy of the great cauſe in which they have embarked, and the great objects which they purſue. I come in other words to the main deſign of this pamphlet, *A Review of the Conduct of Parliament, during the Seventh Seſſion.*

At the opening of the Seſſion the firſt grand ſingularity which ſtruck every man, was the helpleſs and deſerted appearance which Adminiſtration preſented at a time when, if ever, powerful ability was indiſpenſable to their very exiſtence. The Marquis of Buckingham at his departure, had accumulated a load of odium for his ſucceſſor, which it required either very great integrity to remove, or very ſplendid ingenuity to repel. The people naturally looked in the new Adminiſtration, either for a change of meaſures, or ſome very powerful acceſſion of ſenatorial ability indeed to ſupport and defend the paſt. It was therefore not without ſome ſurprize, nor indeed ſome indignation, that the old ſyſtem was beheld, followed up with a whetted keenneſs of profligacy, and undefended by even the ſhadow of argument, in utter contempt of character, of dignity, of decency. The people gazed with aſtoniſhment on the Secretary and his

his ſupporters, nor could they avoid reflecting on what the Prieſts muſt be when the God was *a monkey!*

It has been an old prejudice, which the experience of our own ſenſes can ſubvert, that to the exiſtence of any government, *ſome* integrity, *ſome* ability, and a great deal of popular opinion was neceſſary. We have lived to ſee an Adminiſtration commence and proceed in an uninterrupted career of the moſt wanton extravagance, the moſt impudent proſtitution, and the moſt groſs and *avowed* corruption, I do not ſay without honeſty, that is not wonderful, but without even an attempt to varniſh over the rottenneſs of their proceedings, and in complete defiance of public cenſure, or public infamy. Until this Seſſion it was thought a due, or at leaſt a decent compliment to the underſtanding of the people, to colour the moſt profligate acts of the moſt profligate Adminiſtration with ſome pretext, however ſlight; but now even that is unneceſſary. Our minds, I ſuppoſe, are degraded to our condition, and Adminiſtration, in the careleſs confidence of ſucceſs, are above deſcending to explain or defend meaſures, which it is the duty of Iriſhmen to receive, not with inveſtigation but humble ſubmiſſion.

And

And will the people of Ireland be thus governed? Let the miniſter look well to it.—There is no more fatal degree of deluſion in politics, than to miſtake a ſtate of *lethargy* in a kingdom for a ſtate of *reſt*. The fermentation will begin—The people will not be always defied. They are ſlow to anger, but they are not that blatant beaſt that will bear any burden, provided their long ears be ſcratched, and they are indulged in liberty of braying. They will ſee *who* they are that rule them with a rod of iron; they will ſee *what* are their meaſures, *how* they are carried, and *how* they are defended; they will probe the ulcer that corrodes our conſtitution to the bottom; they will look among themſelves for the remedy.

When once a Government becomes contemptible in the public eye, its ſtrongeſt pillar is ſhaken —*Res nolunt diu male adminiſtrari.* This nation will not endure ſuch a Government; they will not bear to ſee their liberty and property, and independence, at the mercy of an idle, ambling, petit maitre, though accident ſhould make him a ſecretary, nor will they be argued out of their reaſon by the foaming and frothy tautology of one great law-officer, nor bullied out of their ſpirit by the proud and intemperate pompoſity of another. Slavery

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in any ſhape is dreadful, but ſlavery to ſuch men is adding inſult to miſery, it is "*taking away all* "*dignity from diſtreſs, and making calamity ridi-* "*culous.*"

Under the guidance of theſe inauſpicious leaders, Adminiſtration opened the political campaign.—The meaſures expected from the ſide of oppoſition were of the higheſt national importance and utility; ſo comprehenſive in their end, ſo obviouſly practicable in their means, ſo reaſonable and ſo neceſſary, that reſiſtance on the part of Government, however ſupported by ability or numbers, was looked on as almoſt impoſſible. The nation did not expect a denial of axiomatic truths, and could ſcarcely think that any miniſter would be hardy enough to force down meaſures which he found it impracticable, even in appearance, to defend; but the people, meaſuring their own danger by the apparent, utter incapacity of their adverſaries, have at a heavy loſs, ſhewed the futility of ſuch idle confidence. They have learnt that to be miſchievous requires no great elevation of ſentiment, or expanſion of mind; they are taught that as refinement of the heart and underſtanding generally go together, ſo the dulleſt booby ever bids faireſt for being the moſt corrupt; they have felt,

by ſore experience, how little genius or wiſdom is neceſſary to the demolition of a conſtitution, the formation of which betrays, I had almoſt ſaid, a divine interpoſition.

The grievances of the nation affected her property or her conſtitution; many of them, both, where her property was voted away for the purpoſe of buying up her conſtitution. Oppoſition were pledged to bring forward certain remedies for thoſe grievances; a place bill, a penſion bill, a reſponſibility bill, a modification of the police, an enquiry into the doctrine of ſpecial bail in actions of ſlander. Theſe they have tried in every ſhape, and in every ſhape have failed. What ability, perſeverance, and integrity could do within doors, has been done; and whatever may be the event, oppoſition are acquitted to the people of Ireland.

The grievances complained of, were of no light nature. A wanton profligacy in the expenditure of the public money is a ſerious evil—Had it been only waſted in experiments of viſionary improvement, however the nation might have murmured, Adminiſtration would have a colourable excuſe to plead. But what ſhall be ſaid when it is known by the public aſſertion of the firſt men in the

Houſe

Houſe of Commons, *and ſtands undenied by the miniſter of Ireland*, nay, avowed by an intemperate partizan, that this money has been expended on *the corruption of the repreſentation of the people!*— Here is loſs upon loſs; the nation is loaded with a debt, under which ſhe ſtaggers, to raiſe the purchaſe money of her own ſlavery. Her property is gone, not to ſecure, but to demoliſh her honour, and her freeborn ſons forced to labour in the mine for the very metal that is forged into manacles for their hands, and ſhackles for their feet!

This diſgraceful grievance was made one principal ground of complaint by oppoſition, but they did not complain without pointing out the remedy. They introduced a PENSION BILL, and a PLACE BILL, a penſion bill which, far from clogging the fair liberality of Government, left the miniſter in poſſeſſion of 80,000*l.* annually, and an unlimited credit for any grants to the Royal Family; ſurely a ſum ſufficient for his benevolence and his loyalty.

In ſupport of this meaſure, it was ſtated that our penſion liſt ſtood now at the enormous ſum of 108,280*l.* annually, *a ſum conſiderably larger than the penſions of England amount to*; that of this there

had been added ſince 1784, no leſs than 16,000*l.* which, with 14,000*l.* which had in the ſame time fallen in, and been regranted, amounted to 30,000*l.* per annum, a ſum ſufficient at $4\frac{1}{2}$ per cent. to pay the intereſt of 750,000*l.* if any emergency ſhould render it neceſſary to borrow that ſum; that this was a wanton anticipation of the reſources of the country, and a grievous and unneceſſary expence, aggravated to the higheſt degree by the purpoſe to which the money was applied, the poiſoning the very ſource of public virtue and national integrity; that in five years, penſions had been granted to no leſs than *eleven Members of Parliament, to the wives of ſeveral more, and to four or five Peers of the Realm*; that theſe were given for the purpoſe of corruption was evident from this plain circumſtance, that one or two Members of the Legiſlature had, very lately, their penſions withdrawn, for no other reaſon than differing from the Miniſter on a great national queſtion. Oppoſition did therefore, introduce the bill on the grounds of œconomy and conſtitution, with confidence as a meaſure of retrenchment, with more confidence as a meaſure of indiſpenſable reformation.

But a diviſion in ſupport of Government of one hundred and twenty-ſix to ninety-eight, ſhewed the

the nation how little force the moſt irrefragable arguments drawn from public principle have when oppoſed to private intereſt. It was not very eaſy to anſwer oppoſition, yet ſomething muſt be ſaid. It was therefore roundly aſſerted, admitting and juſtifying the charge of corruption, that it was neceſſary to have a *ſtrong Government in Ireland*. What is a *ſtrong* Government? is it ſomething diſtinct and differing from a *virtuous* Government, or a *wiſe* Government? does it, can it mean a Government of *force*, that, conſcious of the ſteady ſupport of a venal majority, holds the public opinion at defiance?

The only true ſtrength of Government is the confidence of the people, a confidence not lightly beſtowed, nor lightly withdrawn. When that confidence is betrayed, and not only ſo, but when the people are laughed to ſcorn by their betrayers, Adminiſtration may be taught how vain the reliance is on their fancied *ſtrength*. It is not wiſe to compel the people to look too cloſely into the theory of Government, and try facts by principles. What is the end for which every man renounces his natural right to legiſlate for himſelf, and veſts it in another? ſurely for his own good, and that only. If the deputy perſeveres in meaſures, pernicious to his conſtituents, and laughs at their indignation,

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or bullies them with his *ſtrength*, his conſtituents will ſhew him *their power* in return. Government is not *phyſically* ſtrong, but reſts in opinion; if that opinion be forfeited by miſconduct, or rejected with ſcorn as an uſeleſs inſtrument, the people may begin to examine by what authority three hundred men pretend to govern, and to defy four millions, and they will find that authority reſulting from their own delegation, and the petulant abuſe of that authority from their ſupine inattention, and they will ſhew their ſervants, that the power which elevated can abaſe. When Government make an oſtentatious exhibition of their ſtrength, it is time for the people to examine their own reſources, and a thorough conviction of their relative powers is the beſt ſecurity for the peace of the land.

The Penſion Bill being loſt, oppoſition proceeded to another meaſure of a ſimilar tendency, having for its object the diminution of the unconſtitutional influence of the Miniſter, and the renovation of the purity of the Houſe of Commons, I mean the Place Bill.

It was ſtated in ſupport of the Bill, that Members of Parliament were, like other men, liable to be governed by their intereſt; that the conſtant

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ſeries of majorities, uniformly ſupporting the fountain of influence, was a ſufficient proof of the exiſtence of the evil; that in the laſt twenty years forty new parliamentary places had ariſen, of which NO LESS THAN FOURTEEN HAD BEEN CREATED WITHIN THE LAST SIX MONTHS! that the expence, immenſe as it was, was but a ſecondary grievance, the primary one was the unconſtitutional influence thus thrown into the hands of the Miniſter; an influence ſo ſtrong, that out of his laſt majority conſiſting of an hundred and forty-four, ONE HUNDRED AND FOUR WERE PLACEMEN AND PENSIONERS, a number of itſelf almoſt an unfailing majority. The example of England was quoted and relied on, where ſuch a bill has been in force theſe forty years, where, if any where, conſtitutional liberty is ſtudied and known, where the influence of the crown is comparatively much weaker than with us, and where there is, out of doors, a jealous vigilance, a fund of knowledge, and a ſpirit of reſiſtance not yet to be found in Ireland.

Such were the facts alledged in ſupport of the Bill, and what was the reply? It was, in effect, this: Government muſt be ſupported, and their ſupporters muſt be paid; places muſt therefore be

be created; if they cannot be given openly, they will ſecretly, by which *reſponſibility will be loſt*; beſides placemen are not always ſo very bad, for on great occaſions they have ſupported the real intereſts of their country, as Falſtaff paid his debts, —three or four times. As to the fourteen places, created ſince the laſt ſeſſion, they were indiſpenſable, and indeed are a bright criterion of the riſing proſperity and increaſing trade of the kingdom.

In this, *the fact of corrupt influence is fairly admitted, and juſtified*, ſo that it ſeems we have but the choice of open or concealed corruption. This extreme flippancy of candor on the part of Government is an event hitherto unknown, unheard of in parliamentary hiſtory—It is a ſymptom either of groſs ignorance, or extreme effrontery in thoſe who have held ſuch unconſtitutional language, and will be a glaring proof of a lethargic ſupineneſs on the part of the people if it paſs without due comment. What! Are we become ſtocks or ſtones that the hot conſtitution of Corruption ſhould thus throw off the laſt thin veil of decency, and walk unbluſhing and unabaſhed before the land?— Or was it but the ebullient intoxication of a young cabinet, fluſhed with ſucceſs beyond their hope, and reeling from the giddy elevation of power, as far

far above their ſtrength to maintain, as their merits to deſerve? Admitting the neceſſity of an increaſed number of places, ſtill the great grievance remains. The people do not murmur only at a wanton invention of uſeleſs and expenſive offices, *but at the beſtowing thoſe offices on Members of Parliament*; not merely at a waſte of the public money, but waſting it for the purpoſes of public corruption; they complain that they are robbed, and that a part of the ſpoil goes to purchaſe the accomplices, and thoſe accomplices, *their own ſervants!*

But why argue the point? The determination of the Houſe of Commons ſtands for a thouſand arguments: *they rejected the Bill.* On a diviſion there appeared on the ſide of Adminiſtration one hundred and forty-eight; on that of Oppoſition ninety and ſix. It is admitted that, had the bill paſſed, *one hundred and four* of the majority would have been diſqualified, ſo that in fact the number repreſenting themſelves, not their places and penſions, was but *forty-four*, and the real unbiaſſed majority ſhould have been FIFTY-TWO.

In England it is an eſtabliſhed principle that the King can do no wrong. It is a due and a decent preſumption in favor of the firſt magiſtrate of the

kingdom ; but the ſame principle does by no means extend to his Miniſters, many of whom have been brought to account, and not a few of thoſe to ſuffer, for their mal-adminiſtration. In the particular department of the Treaſury, all warrants for the iſſuing of money are ſigned by three or more of the Lords, who then become reſponſible for the expenditure to the Parliament and the Nation, and in addition to this wholeſome caution *every ſhilling of the public money in Eugland is appropriated to its particular purpoſe*, ſo that one fund never can be diminiſhed to make good the deficiency of another, nor the people be at once cheated of their money and baffled in their inquiry after it.

I do not know whether it be yet law in Ireland, that the Lord Lieutenant can do no wrong ; but if he has not the impeccability, he has what is nearly as good, he has all the impunity of the regal character ; nay more, he can do what the King, in the plenitude of his power, cannot ; he can ſcreen the inſtruments of his tyranny and profuſion from the vengeance of the nation. See how the Treaſury of Ireland ſtands, contraſted with the Treaſury of England. Here, *the revenues are unappropriated*, ſo that the crown has a *general* power over the public money ; and how is that power exerted

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in a country profeſſing to be *independent of England?* For the payment of any penſion, ſalary, or ſpecific ſum a King's letter is obtained, counter-ſigned—*by whom?* THREE LORDS OF THE TREASURY IN ENGLAND! In purſuance of this letter a warrant is granted here, ſigned by the Lord Lieutenant, and counter-ſigned by the Secretary, on which, without further proceſs the money is paid. *Not one Iriſhman concerned in the tranſaction, unleſs, perhaps, the Clerk who reckons out the guineas*; and what is the conſequence? The people may complain, but how can they puniſh? The Lord Lieutenant is gone, the Secretary is gone, their perſons are beyond reach, their property cannot be attached, and they are rarely ſolicitous about their poſthumous fame in Ireland. The vengeance of the nation is exhauſted in impotent threats; they turn to their countrymen, the reſident miniſters; they call on the Chancellor of their Exchequer to account for the defalcation. He tells them, probably with great truth, that he is but a cypher, the ſtalking-horſe of the Secretary; that he is at the head of the Treaſury, it is true, but he neither pays, receives, nor ſigns a warrant; he therefore refers them back to the Secretary for information, or boldly tells them, "It is his Majeſty's pleaſure." Such is the reſponſibility of the firſt Miniſter of

Finance in Ireland, and ſuch are the benefits reſulting from an office, *to bring home* which the nation is ſaddled with a heavy penſion to an Engliſh abſentee.

To procure a reſponſibility in this country ſimilar to the reaſonable and conſtitutional one in England was attempted by Oppoſition and oppoſed by Government; by that very Government that not three days before on the Place Bill had the modeſty to ſtate, as an objection to the principle of the bill, that *it went to deſtroy reſponſibility*. And a Chancellor of the Exchequer, an amiable, a reſpectable and a worthy character, with a ſound underſtanding, and a heart *too feeling for his ſituation*, was compelled to riſe up, to palliate what could not be defended, to explain away what could not be denied, and with his own hands to pluck away the brighteſt feathers from the wing of his office to imp out the gaudy plumes of a fluttering Engliſh jay, that Providence, for our ſins, has thought proper to viſit us with, as a Miniſter———Out of reſpect, as I believe, to the feelings of an honeſt man, thus forced to become the herald of his own degrading inefficiency, Oppoſition did not run this queſtion to a diviſion.

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The famous Police of this city was an object of univerſal contempt and diſlike. It was originally framed, under Mr. Pitt's auſpices, for London; but, on a review, it was found to be ſuch a meaſure as, if attempted there, would ſhake the King on his throne. However, that ſo much good miſchief might not be loſt, it was ſent over here, with the framer of it, one Reeves, an Engliſh Barriſter. It was forced down the throats of the Citizens, notwithſtanding every effort of reſiſtance on their ſide, and Government fondly hoped it would give them ſuch a weight in the Corporation as would ſink the metropolis of Ireland into a miniſterial borough. But ſee the end of this rotten Policy—The head of the inſtitution has been turned out of his ſeat by the very means which were intended to plant him there for life, and the popular indignation has been ſo rouſed that Government, probably, never ſuffered ſo diſgraceful a defeat as they will, to a moral certainty, on the next election, if their preſent candidates are ſuch dupes as to ſtand a poll. But, though the great purpoſe of influence be thus loſt, Government out of a reſentful determination to haraſs what they cannot ſubdue, have in defiance of popular odium, and the ſtrenuous efforts of Oppoſition, not only continued in the city of Dublin, but ſeem determined to extend all over the

the kingdom this mongrel rabble of ruffians, neither citizens nor ſoldiers, but compounded of the worſt qualities of both drunken and diſorderly, an impotent and a chargeable defence, filled with military inſolence, and deſtitute of military diſcipline.

Thus far the meaſures of Adminiſtration went but to undermine the Conſtitution and to ſap the virtue of the people, without any apparent breach of the Law; but the buſineſs of which I am now to ſpeak, goes at once, not merely to a breach of the law, but to ſuch an invaſion of the eſſential principles of the Conſtitution as amounts almoſt to a diſſolution of the Government. I mean *the ſale of Peerages, and applying the produce to purchaſing ſeats in the Houſe of Commons.*

For this abominable meaſure, ſo novel in its nature, ſo ruinous in its conſequences, a meaſure which makes one corrupted Houſe the pander for the virtue of the other, and ſo contaminates both, the Miniſters of Ireland were arraigned and *impeached* by Oppoſition with a force, fire, and irreſiſtible energy, only to be conceived when conveyed in their own words. "I will lay before the Houſe," ſaid that great and daring ſpirit, who leads

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on his aſſociates, if not to victory, yet to immortal honor; "I will lay before you," ſaid Mr. Grattan, "the project of Adminiſtration, conſidering it firſt as an inſtrument of domeſtic Government, and ſecondly as a bond of connection."

"As an inſtrument of Government, it is very powerful indeed, for it will make the Miniſter not only ſtrong, but completely abſolute. He will firſt buy the queſtion, and afterwards favour you with the forms of debating it. He will cry up Parliament when it is venal, and cry Parliament down when it feels the ſting of remorſe. He will be ſoon, however, raiſed above the neceſſity of thoſe artifices; for the aſcendency he will obtain will not only ſecure a majority in all ordinary caſes, but deprive the people of the chance of a majority on any, and will procure a Legiſlature ready to allow any expence, and overlook any crime, and adopt any meaſure according as the Divan of the Caſtle ſhall give to its Janiſſaries here the word of command. Thus will this country loſe, not indeed the exiſtence of Parliament, but whatever benefit can be derived from it. The conſequence of this muſt be that the Court will be free from controul; and free from controul, its firſt idea will be plunder. Don't imagine that oppoſition alone makes

Government

Government extravagant. Some paſt Adminiſtrations in this country prove, that the moſt licentious thing imaginable is a little Caſtle preſuming on the languor of the people; too low to think itſelf reſponſible to character, and too ſhifting to be reſponſible to juſtice. Remove from ſuch a Court the dread of Parliament, and they will become a political High Life Below Stairs; carrying not only the faſhions but the vices and the inſolence of their ſuperiors to outrageous exceſs. From the infamy of the Court, the diſcredit of the executive power follows naturally and rapidly. When I ſay diſcredit, I don't mean merely unpopularity. I ſee ſome who would make a merit of being publicly obnoxious, and would canvaſs for the favour of the Britiſh Miniſter, by exhibiting the wounds of their reputation. No. I mean the loſs of the eſteem of all moderate and rational individuals. Already ſuch men are diſguſted—they are ſhocked at your penſion liſt—they are alarmed at your place liſt—they can't approve of what they know your only principle of Government—the omnipotence of corruption.

"Do you imagine that the laws of this country can retain due authority, under a ſyſtem ſuch as yours, which would make Parliament the proſtitute

proſtitute—and has made Government the common bawd of the nation. A ſyſtem which not only poiſons the ſource of the laws, but pollutes the ſeats of judgment;—you may ſay that juſtice between man and man will be faithfully adminiſtered, and you will ſet up the private diſpenſation of the laws, as an apology for their political perverſion; —but even that private diſpenſation will not be long pure, when you ſell the power of that diſpenſation to every man who will give you money. —Nor can the laws in a free country long retain their authority, unleſs the people are protected by them againſt plunder and oppreſſion—nor can that long be the caſe, unleſs the body who is to make, and the body who is to decide on the laws, be themſelves protected againſt corruption. The preſent Adminiſtration therefore, is an enemy to the law;—firſt, becauſe it has broken the law;—ſecondly, becauſe it has attempted to poiſon the true ſources, both of legiſlation and of juſtice; and however the friends of that Adminiſtration may talk plauſibly on the ſubject of public tranquility, they are, in fact, the *ringleaders of ſedition placed in authority*. Rank majorities may give a nation law —But rank majorities cannot give law authority.

"But there is another circumſtance attending the project, which ſhould naturally have weight with

Miniſters—I mean the difficulty of carrying this pernicious project into full exertion. Don't gentlemen imagine that the country will at laſt *find them out*—will diſcover, that the multiplication of placemen, increaſe of penſions—ſale, or rather indeed, brokerage of honours, is a conſpiracy againſt her, not againſt the ariſtocracy—but IRELAND.

" If the nature of the meaſures did not import their own criminality and miſchief—yet the converſation of the projectors has been full and explanatory on the ſubject.—" Any money for a majority;—give us the Treaſury and we buy the Parliament."—But converſations of this ſort have even entered theſe walls.—" Theſe new charges are POLITICAL EXPEDIENTS—IRELAND WAS SOLD FOR 1,500,000l. FORMERLY, AND IF OPPOSITION PERSISTS, WILL BE SOLD AGAIN."

" Sir, the ſervants of Government have forgotten to talk plauſibly to the people of Ireland, on the ſubject of corruption—and have given the licentiouſneſs of their converſation againſt the chance of their character.—But ſuppoſe this country and Parliament, however warned, willing to ſubmit to the injuries, will they ſubmit to inſults?—what

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are your meaſures, but national indignities? what are theſe old hacks, now confidential Miniſters—and the pert people they put forward in debate, but national indignities? But ſuppoſing the country and her Parliament willing to ſubmit to injuries, and willing to ſubmit to indignities—yet will they ſubmit to the new taxes, which thoſe injuries and indignities will make neceſſary? The waſte and corruption of your Miniſters have exceeded your revenues;—an exceſs much condemned and much increaſed by the Marquis of Buckingham. Will this country be ready to ſupply both an extravagance which that Miniſter condemned, and a corruption which that Miniſter has created? Suppoſing the country willing to give up her liberty, and willing to give away her money, yet will ſhe ſurrender her money, merely for the purpoſe of enabling ſuch a ſet of Miniſters to take away her liberty?"

To this bold and animated charge, Adminiſtration oppoſed the impaſſive ſhield of profligate dulneſs. The practice arraigned was not denied. The whole credit of Oppoſition was ſtaked on the charge. The Secretary made a moſt curious and original defence, if ſo it might be called, that defence was none, by an appeal to gentlemen on the other ſide,

whether *when they had been in office, ſuch things had not been done?*——Admitting the crime, admitting the conſequence, and only contending on the ſcore of novelty, he dared to complain of the harſh language of Oppoſition in ſpeaking of the black tranſaction. "We do not come here, replied one of his adverſaries, to exchange compliments in alternate melody, like two Shepherds under an oak; we come to make inquiſition of public guilt, and to call down public vengeance on the head of the offender." But juſtice, and eloquence, and argument, and wit are alike inefficient, where numbers are to decide and influence prevails. The queſtion of the impeachment was loſt, as every former queſtion had been loſt, and the Miniſter retired in ſafety under a majority of one hundred and forty-four to eighty-eight.

Hitherto the conteſt had been in great conſtitutional meaſures only, when the ill ſucceſs of their defenders could but remotely affect the people at large. Political liberty was invaded, but civil liberty was ſuppoſed above the poſſibility of danger. The nation was now to be taught how very intimately they are allied, and with what a decided front they ſhould oppoſe the ſmalleſt innovation on either.

The

The buſineſs I allude to, is the famous *Doctrine of Fiats*, which had for ſome months back, a good deal engaged the public attention. It was brought forward by one of the firſt men in Oppoſition; and his ſtatement of the facts, which follows, was not contradicted by a ſingle member of Adminiſtration.

A Printer, from the complexion of his paper, obnoxious to Government, had publiſhed certain libels on ſome obſcure characters, and on one which was known, only for its peculiar infamy. The parties aggrieved applied to the Chief Juſtice of the King's Bench for his permiſſion to mark writs, vulgarly called his *Fiat*, to hold the printer to ſpecial bail in a very enormous ſum. To hold a man to ſpecial bail in an action of ſcandal, where no ſpecial damage is laid, as a medium to aſcertain the quantum of the bail, is by the law of England only allowable in two caſes, in actions of *ſcandalum magnatum*, and of ſlander of title; in all other actions, ſpecial bail is only requireable when the damages can be ſpecifically ſworn to, and are of real value; that is, do not remain to be aſcertained by a Jury. The affidavits on which the Chief Juſtice thought proper to iſſue his fiats were defective in both points. The action was but a common action of ſlander, and the damages were

were uncertain. They were defective further. In not one of them was there to be found what the law calls a *per quod*, that is there was no *actual injury* ſet forth, by which, *per quod*, the Plaintiff had ſuſtained the loſs he ſwore to, a circumſtance eſſential to all applications to hold to Special Bail. The affidavit of one man ſtates, that he had experienced the *evil tendency* of the reports ſpread; that being a Manager of a Play-Houſe, an eminent performer in England had, in conſequence of theſe reports, *expreſſed ſome doubt of his punctuality*, and that, but for the interference of a friend, who vouched for his honeſty, he *might* perhaps, have been deprived of her aſſiſtance; that moreover, he had four daughters growing up, who, *at ſome future day*, might be injured in their proſpects, by which he *hath now, in the preſent tenſe*, ſuffered damages, and to what amount?—FOUR THOUSAND POUNDS!—And he got a fiat for *Four Thouſand Pounds*.

The other affidavits were equally vague and indefinite. A man ſwears, that he was repreſented as keeping a houſe of reception, *by which* certain friends and neighbours *had called to know why theſe ſlanders were circulated*; and this injury and ſpecial damage of ſuch impertinent viſitors, he eſtimated

at

at eight hundred pounds. A lady who "*ſwore ſhe was a modeſt woman, and indeed looked like a modeſt woman,*" ſtates in her affidavit, that ſhe being a Spinſter, has been repreſented as rather too intimate with a certain notorious character, by which ſhe *has reaſon to believe* ſhe is injured to the amount of one thouſand pounds. Another perſon ſwears, that by being called Franciſco, and Shamado, and other ludicrous names, he is injured, God knows how, in his good name and fame, to the amount of two thouſand pounds. And on theſe vague allegations of uncertain and contingent injuries, meaſured only by the irritated malice of a revengeful proſecutor, the Chief Juſtice of Ireland thought proper to iſſue his fiats to the amount of ſeven thouſand eight hundred pounds, in common actions of ſlander, with no ſpecial damage ſworn to, when the Chief Juſtice of England would not have held the Defendant to bail in the amount of ONE PENNY.

On theſe writs the Printer was arreſted, and thrown into gaol—Shortly after he applied to the Court by his Counſel, either to diſmiſs him on common bail, or in other words, no bail at all, or to reduce the quantum to five hundred pounds. To the firſt point his Counſel ſhewed from the great

great principles of law, *and from the uniform practice of the Engliſh Courts*, that there never was a caſe wherein a man had been held to ſpecial bail, *in an action of ſlander*, with no ſpecial damages ſworn to, except in caſes of *Scandalum Magnatum*, or ſlander of title, and quoted authorities of the higheſt legal rank in ſupport of their argument. If, however, the Court ſhould over-rule that point, they ſhewed from the inſufficiency of the Affidavits, from the ſlight and uncertain nature of the injuries, and the low rank in life of all the parties, that the preſent bail was enormous, and ſhould be reduced. After a conſiderable interval, in a full Court, the Lord Chief Juſtice pronounced his own and his Brethrens opinion. He read out *a part* of a paſſage in Blackſtone, to form a principle *. He paſt

* The words in Blackſtone are (Vol. iii. page 292, title Proceſs) " In actions where the damages are precarious, being to be aſſeſſed, *ad libitum*, by a jury, AS IN ACTIONS FOR WORDS, ejectment or treſpaſs, it is very ſeldom poſſible for a Plaintiff to ſwear to the amount of his cauſe of action; and therefore *no ſpecial bail* is taken thereon, *unleſs by a Judge's order*, or the particular directions of the Court." Here his Lordſhip with great ſelf-congratulation, made *a full ſtop*. It would not be very decent to finiſh the paragraph for him in Court, but in this form it may with humble deference be ſuggeſted, that in the original it is but *a comma*, and theſe words follow immediately and conclude the ſentence, " in ſome peculiar ſpecies of injuries, *as in caſes of maybem*

paſt by in ſilence *the uniform practice of the Engliſh Judges*, and juſtified his practice by a long liſt of Iriſh precedents, which certainly go ſo far as to acquit him of innovation. Having eſtabliſhed, in this manner, his principle that " the practice of the Court is the law of the Court," and by conſequence the law of the land; his Lordſhip came to the ſecond point, and, as to the quantum of the damages, he read *a part* of an affidavit of the Defendant, ſetting forth, that by libellous publications of one of his adverſaries, he was " ſo reduced in his credit as not to be able to find bail to the amount of more than 500l." He then quoted a former aſſertion of the Defendant's made in a newſpaper, " that he could find bail to the amount of half a million," and he argued from this, that if the Defendant was by ſlander reduced from half a million to five hundred pounds, it was the ſtrongeſt proof of the miſchief of ſlander, and

mayhem or atrocious battery." Which ſufficiently determine, wherein the Judge has this diſcretionary power. And the reaſon is manifeſt, for in thoſe caſes the injury is *obvious to the ſenſes*, and the Judge may in a degree aſcertain the damage; which is of the eſſence of ſpecial bail. Yet in England, even in very atrocious caſes of battery and wounding, *ſpecial bail has been denied by the Court*.

gave him the leſs claim on the mercy of the Court. His Lordſhip therefore, with the concurrence of his three learned brethren, refuſed both parts of the motion with coſts, and the printer now lies in Newgate, has done ſo ſince laſt Hillary term, and muſt do ſo until he can find bail to the amount of 7,800l. or compel his adverſaries to try their actions.

In the firſt part of his argument, the Lord Chief Juſtice had partially quoted Blackſtone; in the laſt, he fell into the ſame inaccuracy. The Defendant ſwore that "*in conſequence of frequent and vexatious arreſts, by fiats and otherwiſe,* AND, *by libellous publications*, he was ſo injured in his credit as to be unable to find bail for more than 500l.

As to the boaſt of the printer that he could find bail for half a million, all Ireland knows, and his Lordſhip as well as any man in it, that at the time of that ſilly gaſconade, and long after, the unhappy victim was under a temporary frenzy; and ſo all Ireland muſt ſee the weakneſs of ſo much of his Lordſhip's argument as depends on that aſſumption.

I have ſubmitted to the people with as much perſpicuity and brevity as I could, firſt, the doc-

trine

trine of ſpecial bail as laid down in the books, and ſecondly, the actual practice of the King's Bench in Ireland. Oppoſition on this great queſtion called forth all their energy, and never through the ſeſſion were they oppoſed with ſuch a pitiful ſhew of reſiſtance. One great Law Officer ſtated that he was free to confeſs, he agreed with the honorable mover in all the facts, and almoſt all the principles laid down in his argument; nevertheleſs there were one or two points *on which he had his doubts*, and therefore he, in effect, moved that the conſideration of the queſtion be put off *ſine die*, or in other words, as was well obſerved by a ſhrewd and ſpirited country Gentleman, he doubted, and therefore would not enquire. Another great Law Officer thought it indecorous to ſet up the opinion of the Houſe of Commons againſt the unanimous determination of the Judges of the King's Bench, that is, in plain Engliſh, he ſet up the very grievance itſelf, as a bar to a complaint of that grievance. To what purpoſe is it a ſtanding meaſure of every ſeſſion, to appoint a grand committee of Courts of Juſtice, if, when an accuſation is laid before that committee, the very fact imputed is pleaded in juſtification of itſelf? But it would be uſeleſs to ſhew in detail the abſurdity of the, ar-

guments I cannot call them, on the part of Adminiſtration. Even the moſt determined ſupporters of Government, who had ſwallowed without ſcruple, the moſt unpalatable meaſures of the Seſſion, rejected this with diſguſt; and it was not, unleſs by a pitiful evaſion, fitted to impoſe only on voluntary dupes, that the Secretary could preſerve his phalanx unbroken. They refuſed to ſupport the Judges, if an enquiry was once admitted, but they conſented in the firſt inſtance to ſtifle that inquiry under a majority of one hundred and twenty-five to ninety-one.

It may be wondered why Adminiſtration ſhould thus, wantonly, incur a great load of obloquy, without any apparent temptation. It is this very circumſtance that is the moſt alarming in the whole tranſaction. We may ſuppoſe a caſe. Suppoſe a man become obnoxious to a profligate Government by a ſtrong oppoſition to their meaſures; ſuppoſe the people not quite ſo ripe for ſlavery as to bear his being publicly ſeized at the arbitrary will of the Miniſter; ſuppoſe ſuch a Judge preſiding in the King's Bench as Scroggs or Treſillian in another country, or Whitſhed in our own —No ſuch Judge now lives, but ſuch may ariſe—And would ſuch a Government find any difficulty in procuring a villain

lain to ſwear an affidavit againſt their enemy, ſtating damages to any amount? Or would ſuch a Judge, whoſe diſcretion, as to the quantum of bail, is ſaid to be regulated ſolely by the affidavit of the Plaintiff, ſcruple to *grant his fiat?* and ſee what follows. The leader of an Oppoſition might be thrown into a gaol; there he muſt lie for three terms before he could enter a *non-pros:* He is then diſcharged, and told he may purſue the Plaintiff for holding him to exceſſive bail—*the plaintiff is fled!* No man will pretend that, as the law is now ſaid to ſtand, this might not be done. This is the *miſera ſervitus, ubi jus eſt vagum et incognitum.* CONSIDER IT WELL.

I do by no means ſuppoſe that, while the Bench is filled as it is at preſent, the liberty of the ſubject can be in danger from the enmity of Government, but our preſent Judges are not immortal; and if at any remote and future period it ſhould happen that their ſucceſſors were to be ſelected, not for integrity, but ſuppleneſs of conſcience; not for legal knowledge in the courts, but for ſlaviſh effrontery in Parliament; if thoſe Judges were to carry with them to the Bench their paſſions, their prejudices, their habits, their averſion to public ſpirit, their abaſed ſervility to men in power;

power; if there were an ignorant and impudent man at the head of affairs, who ſhould ſacrifice the forms and the eſſence of the conſtitution at the corrupt ſhrine of miniſterial influence; if any good citizen was to plant himſelf on the ſacred ground of the liberty of the preſs, and ſound the alarm to the remoteſt corners of the land; if the people were to arouſe from their lethargy and cry aloud for liberty and juſtice; it might then appear, what an uſeful inſtrument a Chief Juſtice of Ireland, without principle and without ſhame, armed with all the terrors of attachments, informations, fiats, and every other powerful engine of his office, might prove in the hands of ſuch an adminiſtration. This is no ſpeculative evil.—All that I have ſaid and much more has been done in England by a Jefferies; and he is a fool who ſays that what has been, may not again be.

The due reſpect to the character of a Judge is eſſential to the dignified and equal diſtribution of juſtice—this reſpect never can be loſt, but by the miſconduct of Judges themſelves—High as they are raiſed, they are ſtill fallible men—"A Judge may be elevated in rank, and he may be ignorant—he may be experienced, and he may be corrupt—he may be learned, and he may be feeble—or he may be old and doat."

We

We have now traced the conduct of Adminiſtration through an alarming climax, from the beginning to nearly the cloſe of the Seſſion; we have ſeen them *avow corruption*, and talk of their *ſtrength* —we have ſeen them object to a place bill, that it deſtroyed reſponſibility, and then oppoſe reſponſibility—we have ſeen them remedy an unconſtitutional police in the capital, by aſſuming a power to extend it over the kingdom—*thus far under colour and form of law.*—We have ſeen them quit this pedling game, throw off thoſe obſolete forms, and ſtrike at once at the vitals of the conſtitution—We have ſeen them pervert the regal prerogative to the deſtruction of public liberty, by the ſale of peerages and applying the produce to purchaſing ſeats in the Houſe of Commons——*This was an invaſion of the conſtitution.*——We have ſeen them break through the ſacred pale of civil liberty, the laſt great refuge under public oppreſſion, and with an unneceſſary and petulant prodigality of reputation, juſtify the doctrine of exceſſive bail, againſt which the ſubject was, thought to be, protected by no leſs a ſecurity than the BILL OF RIGHTS.—— *This was in open breach of the Law!*

Such has been the conduct of Adminiſtration, bold, and peremptory, and decided in miſchief—

but

but they have done more—*they have denied that their meaſures were obnoxious to the people*, and they have triumphantly called on their opponents to prove the contrary. It is that defiance which has produced this Pamphlet. I am no occaſional Whig, I am no conſtitutional Tory; I am addicted to no party, but the party of the nation. I have ſtated the queſtions between Government and Oppoſition impartially, to the utmoſt extent of my very limited talents, and I have cenſured the conduct of each alternately, as I thought each was alternately wrong; in this, whatever want of ability I may have betrayed, I truſt I have not been found deficient in integrity——But who or what I am is of no conſequence; the intereſt of the nation is at ſtake, and to that I haſten.

All inveſtigation of public meaſures in Parliament is for the preſent over, and the people without doors are to judge whether they have been good or evil. Government has called on the nation to cenſure or approve, and will not the nation arouſe at the great appeal? The facts lie before them. This is not the cloſe of an ordinary Seſſion. It is a return of the legiſlative Body into the maſs of the people. It is ſuch an opportunity as will not occur for eight years, an alarming deduction from

from the life of a man! The people may now ſhew their approbation or abhorrence of public meaſures, by their choice of public men. If they return the veteran offenders, who in ſo many inſtances, have baſely deſerted their rights, they forfeit the laſt ſad conſolation of the wretched, the right to complain; venal and proſtitute themſelves, ſhall they dare to arraign venality and proſtitution in their repreſentative?—But I will not dwell on ſo diſcouraging a proſpect. I turn with a fond, and I hope, a founded confidence, to what will be the great and glorious line which my country will purſue on the impending election.

Let every county, city, and free corporation in the kingdom, come forward and ſpeak their ſentiments on the late proceedings; let them not attach themſelves to this or that ſet of men, but adhere to great principles, not liable to fluctuation or change.—If they would not have an armed ruffian ſtand centinel at every man's door in the land, let them reprobate the Police.——If they would annihilate corruption, let them condemn the Penſion Liſt.——If they would keep the Houſe of Commons uninfluenced, let them approve the Place Bill.——If they would guard the treaſure of the public, from the rapacious prodigality of an Eng-

liſh Viceroy, let them demand reſponſibility.—— If they would preſerve the purity of the legiſlature from the inſidious ſeduction of an Engliſh Secretary, let them cry aloud at the proſtitution of the Peerage, by making it ſaleable.——If, however, Conſtitutional Liberty be no longer an object worthy of exertion, *let men conſult their ſenſes*; if they will preſerve even the miſerable conſolation of the political ſlave, perſonal immunity, if they are not enamoured of bolts and of ſhackles, let them, without the idle dread of an Attachment, fulminate their indignation and abhorrence of the late atrocious invaſion of the Liberty of the Subject, by the doctrine of exceſſive bail.

Such, my Countrymen, are the objects I would propoſe to you. I do not confine this addreſs to Electors only; they have, it is true, a more active mode to teſtify their reſentments, by withholding their votes from the ſordid betrayer of their rights; but they are not more intereſted in the freedom of Ireland, than the great body of the People, who have no ſuffrage. Let every county, I again repeat it, let every city, borough, pariſh, club in the kingdom, come forward, and ſpeak their determination.—If you do this, where is the Miniſter, that prizes his head, who will dare to oppoſe

oppoſe four millions of people, freſh from the recovery of their rights from a foreign uſurpation, and unknowing to ſurrender them to a domeſtic Tyrant?——If you do not——But I will not form a ſuppoſition ſo degrading to your ſpirit and underſtanding, at the very inſtant when I ſubſcribe myſelf

An Independent Iriſh Whig.

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